

## **TEXAS RADIATION ADVISORY BOARD ANNUAL REPORT FISCAL YEAR 2001**

The report summarizes the past year of Texas Radiation Advisory Board (TRAB) activities and is required by 25 T.A.C. 289.130.

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### **I. Dates of meetings**

Meeting Date	Committee Meeting
October 14, 2000	TRAB quarterly meeting
November 14, 2000	Ad Hoc Committee
January 27, 2001	TRAB quarterly meeting
April 7, 2001	TRAB quarterly meeting
July 21, 2001	TRAB quarterly meeting

## II. Attendance

Date of Meeting	Attending	Absent
October 14, 2000	Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Eugene A. Coleman, Ph.D.; Earl P. Erdmann; Ian Hamilton, Ph.D.; Dale E. Klein, Ph.D., P.E.; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno, P.E.; Bruce A. Matson, D.D.S.; Judith A. Pester, M.D.; Kevin L. Raabe; Elaine L. Wells, Philip M. Wentworth	Michael S. Ford, C.H.P.; W. Kim Howard, M.D.
November 14, 2000 (Ad Hoc Committee)	Jimmy L. Barker, P.E.; Michael S. Ford, C.H.P.; Earl P. Erdmann; Odis R. Mack	
January 27, 2001	Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Michael S. Ford, C.H.P.; Ian Hamilton, Ph.D.; Dale E. Klein, Ph.D., P.E.; W. Kim Howard, M.D.; Justin P. LeVasseur, M.D.; Troy Marceleno, P.E.; Judith A. Pester, M.D.; Kevin L. Raabe; Elaine L. Wells; Philip M. Wentworth	Thomas M. Burnette; Eugene A. Coleman, Ph.D.; Earl P. Erdmann; Odis R. Mack; Bruce A. Matson, D.D.S.
April 7, 2001	Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Eugene A. Coleman, Ph.D.; Michael S. Ford, C.H.P.; Ian Hamilton, Ph.D.; Dale E. Klein, Ph.D., P.E.; W. Kim Howard, M.D.; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno, P.E.; Bruce A. Matson, D.D.S.; Kevin L. Raabe	Earl P. Erdmann; Judith A. Pester, M.D.; Elaine L. Wells, Philip M. Wentworth
July 21, 2001	Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Eugene A. Coleman, Ph.D.; Earl P. Erdmann; Michael S. Ford, C.H.P.; Ian Hamilton, Ph.D.; Dale E. Klein, Ph.D., P.E.; Odis R. Mack; Troy Marceleno, P.E.; Judith A. Pester, M.D.; Elaine L. Wells, Philip M. Wentworth	Thomas M. Burnette; W. Kim Howard, M.D.; Justin P. LeVasseur, M.D.; Bruce A. Matson, D.D.S.; Kevin L. Raabe

### Number of Meetings Attended

Member	Number of Meetings Attended - Total of 4	Percent Attended
Jimmy L. Barker, P.E.	4	100
Susan E. Best, M.D., Ph.D.	4	100
Thomas M. Burnette	2	50
Eugene A. Coleman, Ph.D.	3	75
Earl P. Erdmann	2	50
Michael S. Ford, C.H.P.	3	75
Ian Hamilton, Ph.D.	4	100
W. Kim Howard, M.D.	2	50
Dale E. Klein, Ph.D., P.E.	4	100
Justin P. LeVasseur, M.D.	3	75
Odis R. Mack	3	75
Troy Marceleno, P.E.	4	100
Bruce A. Matson, D.D.S.	2	50
Judith A. Pester, M.D.	3	75
Kevin L. Raabe	3	75
Elaine L. Wells	3	75
Philip M. Wentworth	3	75

### III. Board Actions

TRAB reviewed and evaluated state radiation programs and policies, provided technical advice and made recommendations on rules to Texas Department of Health(TDH) , Texas Natural Resource Conservation Commission (TNRCC) and Railroad Commission of Texas (RRC) during FY 2001.

#### **Recommendations and Actions with Texas Department of Health**

TRAB's Ad Hoc Committee on changes to financial and operating requirements. TRAB recommended legislation that would add a 5% charge to each license fee and deposit those funds in the Radiation Perpetual Care Fund for emergency use with a \$500,000 cap set on this fee fund. The committee also recommended changes to the well logging rules be drafted to require certain notifications to TDH. Legislation has been signed into law. Well logging rules will be considered for revision.

TRAB reviewed the request from the University of Texas Health Science Center for approval of an investigational study using a bone densitometer to create a database for normal bone density scores for children. A recommendation will be made pending response from the applicant to questions TRAB recommended the applicant provide clarification on problematic issues involving radiation exposure to children and the necessity of using radiation to perform this study.

October 20, 2000, TDH's Bureau of Radiation Control (BRC) held a dental workshop on the new dental rules and Dr. Matson presented the keynote address.

TRAB recommended proposal of 25 TAC 289.230 Certification of Mammography Systems and Accreditation of Mammography Facilities. Rules will be sent to Board of Health.

TRAB recommended proposal of 25 TAC 289.203 Notices, Reports and Instructions to Workers; Inspections. Rules will be sent to Board of Health.

HR 783, amending Section1. Stockpiling of Potassium Iodide Tablets. Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) - a bill concerning stockpiling of potassium iodide tablets in areas within a 50 mile radius of a nuclear power plant - TRAB is not in favor of this bill, but took no action. TRAB will continue to monitor the progress of this bill.

### **III. Board Actions - continued**

#### **Recommendations and Actions with Texas Natural Resource Conservation Commission**

TRAB recommended proposal and adoption of: 30 TAC, Chapter 336, Subchapter A, 336.2, Definitions; Subchapter D, Standards for Protection Against Radiation, 336.359 and 336.365; Subchapter G. Decommissioning Standards, 336.611 and the proposed repeal of 30 TAC Chapter 336, Subchapter I, Financial Assurance. - Rules were adopted and repealed.

A subcommittee of Mr. Ford, Chair; Mr. Raabe, Dr. Hamilton, and Dr. Howard will work with TNRCC on adopting rules on radionuclides in drinking water. Work is in progress and recommendation will be forthcoming.

Texas Compact Low-Level Radioactive Waste Generation Trends and Management Alternative Study, a study done under contract with TNRCC. TRAB sent letters to the Governor of Texas, Lt. Governor, Senator Brown, and Representative Chisum stating that TRAB recommends the report be used as a reference and action be taken to develop Texas statutes and policies to address the radioactive waste management and compact issues. No legislation passed.

TRAB recommended TNRCC begin rule making for NORM (naturally occurring radioactive material) disposal rules. TNRCC responded that information is being gathered from stakeholders to determine what rulemaking might be needed.

#### **Recommendations and Actions with Railroad Commission**

TRAB reviewed "A Study of Regulations of Oil and Gas Naturally Occurring Radioactive Material Waste in Texas, Final Report, November 2000", by the Railroad Commission of Texas. TRAB took no action.

### **III. Board Actions - continued**

#### **TRAB Recommendations Regarding Radiation Policies and Programs**

TRAB recommended passage of HB 1099 amending Chapter 401 of the Health and Safety Code. Legislation was adopted.
TRAB recommended passage of low-level radioactive waste disposal bill. No legislation passed.
Dale Klein, Ph.D., P.E., Chair, provided expert testimony to the legislature on radiation bills.
TRAB recommended to the Governor that Texas consider challenging the EPA radon rules because they are unwarranted and unjustified by health information.
TRAB recommended support of rider for reimbursement of travel expenses for TRAB members. Legislation passed with the rider for TRAB reimbursement.

Note: The Texas Board of Health did not request any specific actions by TRAB.

### **IV. Activities Anticipated**

TRAB will be asked to make recommendations on proposal and adoption of rules and on policy issues.

### Anticipated Issue for TRAB Recommendations

Topic	Activities Anticipated
Transportation of radioactive materials	Transportation issues regarding shipments of low-level radioactive waste throughout Texas to processing sites and to the Waste Isolation Pilot Plant in New Mexico.
Pantex (Department of Energy plant)	Continue to study the implications of the operations at the Pantex plant weapons dismantlement and storage plant in Amarillo and evaluate emergency response activities.
Rules for protection against radiation	Recommend revisions and new rules.
Fees	Annual evaluation and recommendations on fees.
Low-level radioactive waste disposal or assured isolation	Continue to make recommendations on radioactive waste site policy for Texas.
Radionuclides in drinking water	TRAB will make recommendations on TNRCC rules for radionuclides in drinking water.
Work Force Plan for Bureau of Radiation Control	TRAB will make recommendation on the Work Force Plan for the Bureau of Radiation Control.
Naturally Occurring Radioactive Material	TRAB will make recommendations to RRC and TNRCC on NORM rules and policies.

#### V. Amendments to T.A.C. 25 TAC 289.130

**Amendments are required as follows based on changes in legislation effective September 1, 1999.**

Change: (h) Officers. The board shall elect a chairman, vice-chairman and secretary at its first meeting after August 31st of each year. As of September 1, 1999, the governor shall designate the chairman to serve at the will of the governor.

To read: (h) Officers. The board shall elect a vice-chairman and secretary at its first meeting after August 31st of each year. As of September 1, 1999, the governor shall designate the chairman to serve at the will of the governor.

**V. Amendments to T.A.C. 25 TAC 289.130 - continued**

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Change: (h) (3) The vice-chairman shall perform the duties of the chairman in case of the absence or disability of the chairman. In case the office of chairman becomes vacant, the vice-chairman will serve until a successor is elected to complete the unexpired portion of the term of the office of chairman.

To read: (h) (3) The vice-chairman shall perform the duties of the chairman in case of the absence or disability of the chairman. In case the office of chairman becomes vacant, the vice-chairman will serve until the governor appoints a successor.

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Change: (h) (4) A vacancy which occurs in the offices of chairman, vice-chairman or secretary may be filled at the next board meeting.

To read: (h) (4) A vacancy which occurs in the offices of vice-chairman or secretary may be filled at the next board meeting.

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Change: (j) (2) It is grounds for removal from the board if a member cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability, is absent from more than half of the board and subcommittee meetings during a calendar year, or is absent from at least three consecutive board meetings.

To read: (j) (2) It is grounds for removal from the board if a member:

- (a) does not have at the time of taking office the qualifications required
- (b) does not maintain during service on the advisory board the qualifications required
- (c) is ineligible for membership under the statute
- (d) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
- (e) is absent from more than half of the regularly scheduled advisory board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the advisory board.

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**VI. TRAB Expenses for FY 2001**

Expense	Amount
Reimbursement of members	\$11,217.70
Staff time in support of the board	\$27,101.08
Other operating	\$ 803.54
TOTAL	\$39,122.32

Source: TDH Expenditure Allocations through August 2001.